

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,

Plaintiff,

v.

Rodney J. Anderson,

Defendant.

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No. 10-00174-01-CR-W-DGK

ORDER

Pending before the Court are Defendant's Amended Motion to Dismiss Count Four of the Indictment with Prejudice, or, in the alternative, Order the Government to Elect Prior to Sentencing Upon Conviction of Multiple Counts on Grounds of Double Jeopardy and the Cumulative Punishment Doctrine (Doc. 22) and Amended Motion to Dismiss Counts Two or Four and Three or Four of the Indictment with Prejudice or, in the alternative, upon Conviction of Said Counts, Order the Government to Elect Prior to Sentencing the Counts to Be Sentenced, All Based on Grounds of Double Jeopardy and the Lesser Included Offense Doctrine (Doc. 23), the Government's responses (Docs. 26 & 27), United States Magistrate Judge Sarah W. Hays Report and Recommendation recommending that the motions be denied (Doc. 33), the Defendant's objections to the Report and Recommendation (Doc. 34) and the Government's response to Defendant's objections (Doc. 35).

After carefully reviewing the Magistrate's report and conducting an independent review of the record and applicable law, it is hereby ORDERED that Magistrate Judge Hays' Report and Recommendation be ADOPTED. Defendant's Motions (Docs. 22 & 23) are hereby DENIED.

IT IS SO ORDERED

Date: June 3, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT